

1 KEVIN ALEXANDER (SBN 175204)
 2 kalexander@gordonrees.com
 3 RICHARD R. SPIRRA (SBN 106361)
 4 rspirra@gordonrees.com
 5 GORDON & REES LLP
 6 101 W. Broadway, Suite 2000
 7 San Diego, CA 92101
 8 Telephone: (619) 696-6700
 9 Facsimile: (619) 696-7124

6 MANUEL SALDANA (SBN 137060)
 7 msaldana@gordonrees.com
 8 GORDON & REES LLP
 9 633 W. 5th Street, Ste. 4900
 Los Angeles, CA 90071
 Telephone: (213) 576-5000
 Facsimile: (213) 680-4470

10 Attorneys for Defendant
BIC USA, INC.

11 JOHN DONBOLI (SBN: 205218)
 12 jdonboli@delmarlawgroup.com
 13 JL SEAN SLATTERY (SBN: 210965)
 14 sslattery@delmarlawgroup.com
 15 DEL MAR LAW GROUP, LLP
 16 322 8th Street, Suite 101
 Del Mar, CA 92014
 Telephone: (858) 793-6244
 Facsimile: (858) 793-6005

17 Attorneys for Plaintiff: **DONNA R. NELSON**, an individual and on behalf
 of all others similarly situated

18
UNITED STATES DISTRICT COURT
 19
SOUTHERN DISTRICT OF CALIFORNIA

21 DONNA R. NELSON, an individual and on behalf of the general public,	21) CASE NO.: 07-CV-2367- LAB(RBB)
22 Plaintiff,	22) JOINT MOTION OF ALL PARTIES TO
23 vs.	23) TAKE DEFENDANT'S MOTION TO
24 BIC USA, INC., a Delaware corporation, and DOES 1 through 100, inclusive,	24) DISMISS OFF CALENDAR TO PERMIT
25 Defendants.	25) PREPARATION OF A SETTLEMENT
	26) AGREEMENT AND SUBMISSION OF
	27) A JOINT MOTION TO DISMISS
	28) <hr/>
) Judge: Hon. Larry A Burns
) Ctrm: Room 9 – 2 nd Floor
) <hr/>
) Magistrate Judge: Hon. Ruben B. Brooks
) Ctrm: Room B – 1 st Floor

1 WHEREAS defendant's previously filed motion to dismiss the claims on the ground that
 2 they are preempted by federal law is set for a hearing date of September 8, 2008; and

3 WHEREAS the parties have tentatively agreed to the essential terms pursuant to which
 4 they will settle and dismiss this case with prejudice, and they anticipate completing the required
 5 documentation of the settlement terms and submission of a joint motion to dismiss by September
 6 12, 2008; and

7 WHEREAS the parties wish to take the pending motion off calendar so the Court will not
 8 have to unnecessarily review the motion papers and resolve the issues raised therein;

9 IT IS HEREBY STIPULATED that defendant's motion to dismiss shall, subject to
 10 approval of this Court, be taken off calendar so that the parties may have the opportunity to
 11 prepare a written settlement agreement and submit a joint motion to dismiss this case pursuant to
 12 the terms of the agreement.

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

Dated: August 28, 2008

GORDON & REES LLP

By: S/ Richard Spirra
 Kevin Alexander
 Richard Spirra
 Attorneys for Defendant
BIC USA, INC.

Dated: August 28, 2008

DEL MAR LAW GROUP, LLP

By: S/ John Donboli
 John Donboli
 JL Sean Slattery
 Attorneys for Plaintiff
DONNA R. NELSON